IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)				
	Plaintiff,) Case Number 8:13MJ39		
vs.)) DETENTION ORDER)		
TRC	DY GEE,			
	Defendant.			
	Order For Detention After conducting a detention hearing pur Reform Act, the Court orders the above- U.S.C. § 3142(e) and (I).	rsuant to 18 U.S.C. § 3142(f) of the Bail named defendant detained pursuant to 18		
	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
	that which was contained in the Pretrial X (1) Nature and circumstances of X (a) The crime: (Count I) P Number is a serious c years imprisonment, a serious crime and carr imprisonment. (b) The offense is a crime X (c) The offense involves a	Possess Firearm with Obliterated Serial rime and carries a maximum penalty of 10 and (Count II) Distribute Crack Cocaine is a ries a maximum penalty of 40 years of violence.		
	(a) General Factors: The defendar may affect wh The defendar The defendar	against the defendant is high. The second state of the defendant including: The appears to have a mental condition which the area. The the defendant will appear. The has no family ties in the area. The has no steady employment. The has no substantial financial resources.		

DETENTION ORDER - Page 2 The defendant is not a long time resident of the community. The defendant does not have any significant community ties. Past conduct of the defendant: The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. (b) At the time of the current arrest, the defendant was on: Probation Parole Supervised Release Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: Prior concealed weapon conviction (2003). Current charge involves sale of fourteen firearms, including six semi-automatic firearms. X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or

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	X (3)	A controlled substance violation which has a maximum penalty of 10 years or more; or
	(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through
		(3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3)
		above which is less than five years old and which was committed while the defendant was on pretrial release.
X (b)		dition or combination of conditions will reasonably appearance of the defendant as required and the
safety of the community becau probable cause to believe:		e community because the Court finds that there is use to believe:
	•	That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
	(2)	That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 6th day of February, 2013.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge

crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or